THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.318 of 2000

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondents in proposing to acquire the lands of the petitioners of an extent of Ac.1-35 guntas in Survey No.80, Ac.1-23 guntas in Survey No.81, Ac.30-24 guntas in Sy.No.217 and Ac.25-34 guntas in Sy.No.221 in Chenchukota village in Cheriyal mandal, Warangal district without issuing any notification under the provisions of Land Acquisition Act, 1894 and without paying any compensation as arbitrary and illegal.

It is the case of the petitioners that they are the joint owners of the lands in Survey Nos.80, 81, 217 and 221 of Chenchukota village, Cheryal mandal, Warangal district. It appears that during repair/reconstruction works of 'Enacheruvu', the lands of the petitioners were sub-merged and became uncultivable. Therefore, they made a representation to the respondents and also sent a registered legal notice dated 1.3.1999 requesting to initiate land acquisition proceedings and pay compensation as required under law. Since there was no reply to the said legal notice, petitioners filed the present writ petition.

A detailed counter affidavit has been filed by the respondents denying the averments made by the petitioners stating that the petitioners are not owners of lands in Survey Nos.80, 81, 217 and 221 of Chenchukota village and they never in possession of the said lands. As per the revenue records, the lands in Survey Nos.80 and 81 are 'kharij khata' Government lands, which were allotted to the weaker sections of the society for the purpose of house sites and subsequently, a colony has come up in the said lands. As per the revenue records, the first petitioner is concerned with Survey Nos.217 and 221 and the second petitioner is the joint pattedar of Survey No.217. The other joint pattedars are Md.Abdul and Md.Sultan, but none of them are either possessors or cultivators of the said land. The second petitioner is not concerned with Survey No.221 as alleged. The possessor in Survey No.217 one Velda Vajaramma has given consent for restoring the tank.

The counter affidavit filed by the respondents, would atleast disclose that the petitioners are concerned with Survey Nos.217 and 221 and the second petitioner is the joint pattedar of Survey No.217. It is not the case of the respondents that these lands are not submerged after re-construction of the tank 'Enacheruvu'. It is their case that the petitioners have nothing to do with the subject lands, which is contrary to the stand taken by the respondents in their counter.

In view of the above, without expressing any opinion on merits, the second respondent is directed to entrust the matter to an officer not below the rank of Revenue Divisional Officer, who shall conduct an enquiry into the matter after giving notice to the petitioners and pass appropriate orders in this regard within a period of four months from the date of receipt of a copy of this order. The petitioners are at liberty to produce the evidence in support of their claim before the authorities. In the event, it is found that petitioners are owners of the subject lands and the same are submerged, the respondents shall consider for initiating land acquisition proceedings as per law.

With the above direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 15.9.2006
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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.318 of 2000

15.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.318 of 2000

Dated: 15th September, 2006

Between:

Mohd.Ghalib & another.

.. Petitioners

and

The Executive Engineer,
Irrigation, I.V. Division,
Hanmakonda, Warangal district & another.

.. Respondents